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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,296	11/30/2001	Mitsuhiro Kageyama	21900/0042	9858

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EXAMINER

SHEPARD, JUSTIN E

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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02/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/980,296

Applicant(s)

KAGEYAMA ET AL.

Examiner

Justin E. Shepard

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4, 10-12, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4, 10-12, 15 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

The indicated allowability of claims 4, 10, 11, 12, 15 and 16 is withdrawn in view of the newly discovered reference(s) to Alten, Newberry, and Kim. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 10, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alten in view of Newberry in view of Kim.

Referring to claim 4, Alten discloses a program guide information-generating device of a program guide information-generating system.

Alten does not disclose a device which has a simulcast range processing block which generates a program broadcasting schedule by replacing the program entries in a simulcast range with the program entries registered in the program broadcasting schedule of a simulcast original channel identifier when simulcast range information comprising the simulcast range having a date and time to start the simulcast range and a date and time to end the simulcast range,

a simulcast identifier and the simulcast original channel identifier is registered to represent some or all of the program entries in the program broadcasting schedule of each channel in which program entries each of which having a date and time to start broadcasting and a event identifier are registered in the order they are broadcast,

wherein the simulcast range processing block does not perform the replacement when the date and time to start the simulcast range in the simulcast range information in the program broadcasting schedule is undetermined or when the date and time to start broadcasting of the program entry in the program broadcasting schedule corresponding to the simulcast original channel identifier in the simulcast range information is undetermined.

In an analogous art, Newberry teaches a device which has a simulcast range processing block (column 2, lines 20-25) which generates a program broadcasting schedule (figure 7) by replacing the program entries in a simulcast range with the program entries registered in the program broadcasting schedule of a simulcast original channel identifier (figure 7, parts 2 and 12; column 2, lines 26-33) when simulcast range information comprising the simulcast range having a date and time to start the simulcast range and a date and time to end the simulcast range (figure 3; column 4, lines 4-19),

a simulcast identifier and the simulcast original channel identifier is registered to represent some or all of the program entries in the program broadcasting schedule of each channel in which program entries each of which having a date and time to start

broadcasting and a event identifier are registered in the order they are broadcast (figure 4; column 4, lines 20-39).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the program simulcasting EPG generation taught by Newberry to the device disclosed by Alten. The motivation would have been to enable users to easily access multiple versions of the same program depending on what area they are currently living.

Alten and Newberry do not disclose a device wherein the simulcast range processing block does not perform the replacement when the date and time to start the simulcast range in the simulcast range information in the program broadcasting schedule is undetermined or when the date and time to start broadcasting of the program entry in the program broadcasting schedule corresponding to the simulcast original channel identifier in the simulcast range information is undetermined.

In an analogous art, Kim teaches a device wherein the simulcast range processing block does not perform the replacement when the date and time to start the simulcast range in the simulcast range information in the program broadcasting schedule is undetermined or when the date and time to start broadcasting of the program entry in the program broadcasting schedule corresponding to the simulcast original channel identifier in the simulcast range information is undetermined (figures 5 and 6; figure 3, parts 309 and 310).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the multiple program replacement taught by Kim to the device disclosed

by Alten and Newberry. The motivation would have been to enable flexibility in the updating the EPG which would allow for the programmer to provide more options to the user.

Referring to claim 10, Alten discloses a program guide information-transmitting device of a program guide information-generating system (figure 1), which has a current/next event information-transmitting block which generates current/next event information by use of the information from a current/next event information transmission schedule in which current/next event entries comprising the date and time to start broadcasting of a current event, the event identifier of the current event and the event identifier of a next event are registered in the order they are broadcast, the single-event information (figure 5a).

Alten does not disclose a device wherein the single-event information for a simulcast range and a program initiation notice comprising a channel identifier and a event identifier and which transmits the current/next event information, wherein the current/next event information is generated by current/next event information-generating means when a simulcast original channel identifier is set in the program initiation notice, wherein the current/next event information-generating means acquires the event identifier of a current event from the current/next event entry in which the event identifier of the current event matches with the event identifier set in the program initiation notice in the current/next event information transmission schedule corresponding to the

simulcast original channel identifier set in the program initiation identifier and uses the channel identifier of the program initiation notice,

single-event information for a simulcast range in which the event identifier is set as current event information and the single-event information for an undetermined entry as next event information to generate the current/next event information.

In an analogous art, Newberry teaches a device wherein the single-event information (figure 3) for a simulcast range and a program initiation notice comprising a channel identifier and a event identifier and which transmits the current/next event information (figure 4), wherein the current/next event information is generated by current/next event information-generating means when a simulcast original channel identifier is set in the program initiation notice (column 4, lines 4-39), wherein the current/next event information-generating means acquires the event identifier of a current event from the current/next event entry in which the event identifier of the current event matches with the event identifier set in the program initiation notice in the current/next event information transmission schedule corresponding to the simulcast original channel identifier set in the program initiation identifier and uses the channel identifier of the program initiation notice (column 2, lines 20-26; column 4, lines 4-39).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the program simulcasting EPG generation taught by Newberry to the device disclosed by Alten. The motivation would have been to enable users to easily access multiple versions of the same program depending on what area they are currently living.

Alten and Newberry do not disclose a device wherein single-event information for a simulcast range in which the event identifier is set as current event information and the single-event information for an undetermined entry as next event information to generate the current/next event information.

In an analogous art, Kim teaches a device wherein single-event information for a simulcast range in which the event identifier is set as current event information and the single-event information for an undetermined entry as next event information to generate the current/next event information (figure 3, parts 309 and 307).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the program replacement matching taught by Kim to the device disclosed by Alten and Newberry. The motivation would have been to enable flexibility in the updating the EPG which would allow for the programmer to provide more options to the user.

Referring to claim 16, Alten discloses a program guide information-transmitting device of a program guide information-generating system (figure 1), which has a current/next event information-transmitting block which generates current/next event information from a current/next event information transmission schedule in which current/next event entries comprising the date and time to start broadcasting (figure 5a).

Alten does not disclose a device with a management code and event identifier of a current event and the event identifier of a next event are registered in the order they are broadcast, the single-event information, the single-event information for a simulcast

range and a program initiation notice comprising a channel identifier, a management code and a simulcast original channel identifier and which transmits the current/next event information, wherein the current/next event information is generated by current/next event information-generating means when the simulcast original channel identifier is set in the program initiation notice, wherein the current/next event information-generating means acquires the event identifier of a current event from the current/next event entry in which the management code matches with the management code set in the program initiation notice in the current/next event information transmission schedule corresponding to the simulcast original channel identifier set in the program initiation identifier and uses single-event information for a simulcast range which has the channel identifier set in the program initiation notice and the event identifier as current event information

and the single-event information for an undetermined entry as next event information to generate the current/next event information.

In an analogous art, Newberry teaches a device with a management code and event identifier of a current event and the event identifier of a next event are registered in the order they are broadcast (figures 3, 4, and 7), the single-event information, the single-event information for a simulcast range and a program initiation notice comprising a channel identifier (figure 7), a management code and a simulcast original channel identifier and which transmits the current/next event information, wherein the current/next event information is generated by current/next event information-generating means when the simulcast original channel identifier is set in the program initiation

notice (figure r), wherein the current/next event information-generating means acquires the event identifier of a current event from the current/next event entry in which the management code matches with the management code set in the program initiation notice in the current/next event information transmission schedule corresponding to the simulcast original channel identifier set in the program initiation identifier and uses single-event information for a simulcast range which has the channel identifier set in the program initiation notice and the event identifier as current event information (column 4, lines 4-39).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the program simulcasting EPG generation taught by Newberry to the device disclosed by Alten. The motivation would have been to enable users to easily access multiple versions of the same program depending on what area they are currently living.

Alten and Newberry do not disclose a device wherein the single-event information for an undetermined entry as next event information is used to generate the current/next event information.

In an analogous art, Kim teaches a device wherein the single-event information for an undetermined entry as next event information is used to generate the current/next event information (figure 3, parts 309 and 307).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the program replacement matching taught by Kim to the device disclosed by Alten and Newberry. The motivation would have been to enable flexibility in the

updating the EPG which would allow for the programmer to provide more options to the user.

Claim 11, 12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alten in view of Newberry.

Referring to claim 11, Alten discloses a program guide information-transmitting device of a program guide information-generating system (figure 1), which has a current/next event information-transmitting block which generates current/next event information by use of the information from a current/next event information transmission schedule in which current/next event entries comprising the date and time to start broadcasting of a current event, the event identifier of the current event and the event identifier of a next event are registered in the order they are broadcast, the single-event information (figure 5a).

Alten does not disclose a device wherein the single-event information (figure 3) for a simulcast range and a program initiation notice comprising a channel identifier and a event identifier and which transmits the current/next event information (figure 4), wherein the current/next event information is generated by current/next event information-generating means when a simulcast original channel identifier is set in the program initiation notice (figure 7), wherein the current/next event information-generating means acquires the event identifier of a current event and the event identifier of a next event from the current/next event entry in which the event identifier of the current event matches with the event identifier set in the program initiation notice in the

current/next event information transmission schedule corresponding to the simulcast original channel identifier set in the program initiation identifier and uses the channel identifier set in the program initiation notice as current event information and single-event information for a simulcast range which has the event identifier as next event information to generate the current/next event information (column 4, lines 4-39; figure 7).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the program simulcasting EPG generation taught by Newberry to the device disclosed by Alten. The motivation would have been to enable users to easily access multiple versions of the same program depending on what area they are currently living.

Referring to claim 12, Alten discloses a program guide information-transmitting device of a program guide information-generating system (figure 1), which has a current/next event information-transmitting block which generates current/next event information by use of the information from a current/next event information transmission schedule in which current/next event entries comprising the date and time to start broadcasting of a current event, the event identifier of the current event and the event identifier of a next event are registered in the order they are broadcast, the single-event information (figure 5a).

Alten does not disclose a device wherein the single-event information for a simulcast range and a program initiation notice comprising a channel identifier and a

event identifier and which transmits the current/next event information, wherein the current/next event information is generated by current/next event information-generating means when a simulcast original channel identifier is set in the program initiation notice, wherein the current/next event information-generating means specifies single-event information having the information about the simulcast original channel identifier and event identifier set in the program initiation notice, replaces the channel identifier of the single-event information with the channel identifier set in the program initiation notice and uses the single-event information as the current event information of the current/next event information to generate the current/next event information.

In an analogous art, Newberry teaches a device wherein the single-event information for a simulcast range and a program initiation notice comprising a channel identifier and a event identifier and which transmits the current/next event information (figure 3; figure 7), wherein the current/next event information is generated by current/next event information-generating means when a simulcast original channel identifier is set in the program initiation notice (figure 3), wherein the current/next event information-generating means specifies single-event information having the information about the simulcast original channel identifier and event identifier set in the program initiation notice (figure 4), replaces the channel identifier of the single-event information with the channel identifier set in the program initiation notice and uses the single-event information as the current event information of the current/next event information to generate the current/next event information (figure 7).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the program simulcasting EPG generation taught by Newberry to the device disclosed by Alten. The motivation would have been to enable users to easily access multiple versions of the same program depending on what area they are currently living.

Referring to claim 15, Alten discloses a program guide information-transmitting device of a program guide information-generating system, which has a current/next event information-transmitting block which generates current/next event information from a current/next event information transmission schedule in which current/next event entries comprising the date and time to start broadcasting (figures 1 and 5a).

Alten does not disclose a device with a management code and event identifier of a current event and the event identifier of a next event are registered in the order they are broadcast, the single-event information, the single-event information for a simulcast range and a program initiation notice comprising a channel identifier, a management code and a simulcast original channel identifier and which transmits the current/next event information, wherein the current/next event information is generated by current/next event information-generating means when the simulcast original channel identifier is set in the program initiation notice, wherein the current/next event information-generating means acquires the event identifier of a current event and the event identifier of a next event from the current/next event entry in which the management code matches with the management code set in the program initiation

notice in the current/next event information transmission schedule corresponding to the simulcast original channel identifier set in the program initiation identifier and uses the channel identifier set in the program initiation notice as current event information and single-event information for a simulcast range which has the event identifier as next event information to generate the current/next event information.

In an analogous art, Newberry teaches a device with a management code and event identifier (figure 3) of a current event and the event identifier of a next event are registered in the order they are broadcast (figure 7), the single-event information, the single-event information for a simulcast range and a program initiation notice comprising a channel identifier, a management code and a simulcast original channel identifier and which transmits the current/next event information (figures 3, 4, and 7), wherein the current/next event information is generated by current/next event information-generating means when the simulcast original channel identifier is set in the program initiation notice (figure 4), wherein the current/next event information-generating means acquires the event identifier of a current event and the event identifier of a next event from the current/next event entry in which the management code matches with the management code set in the program initiation notice in the current/next event information transmission schedule corresponding to the simulcast original channel identifier set in the program initiation identifier and uses the channel identifier set in the program initiation notice as current event information and single-event information for a simulcast range which has the event identifier as next event information to generate the current/next event information (column 4, lines 4-39).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the program simulcasting EPG generation taught by Newberry to the device disclosed by Alten. The motivation would have been to enable users to easily access multiple versions of the same program depending on what area they are currently living.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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